

Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132

503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

NOTICE OF DECISION

310 S River Street Partition Preliminary Plat – PAR20-0003

August 10, 2020

RLR, LLC
Jonathan Roth
32505 NE Hauger Road
Newberg, OR 97132

Dear Mr. Roth,

The Newberg Community Development Director has approved the partition preliminary plat, PAR20-0003, for a two-lot partition at 310 S River Street, Tax Lot R3220BC 01200, subject to the conditions listed in the attached report. The decision will become final on August 25, 2020 unless an appeal is filed.

All persons entitled to notice or anyone providing written comments within 14 calendar days prior to the date of the decision may appeal this decision to the Newberg Planning Commission in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$541.80 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 p.m. on August 24, 2020.

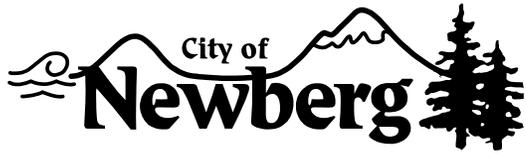
At the conclusion of the appeal period, please remove all notices from the site.

In order to fully complete the partition process, the Applicant must meet all conditions of tentative plan approval and file a final partition application with the Planning Division. The final partition must be recorded within 2 years of the effective date noted above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

If you have any questions, please contact me at 503-537-1215 or keith.leonard@newbergoregon.gov.

Sincerely,

Keith Leonard, AICP
Associate Planner
City of Newberg



Cc: Kate Hiester via email

NOTICE OF DECISION

310 S River Street Partition Preliminary Plat – PAR20-0003

FILE NO: PAR20-0003
REQUEST: Partition one lot into two lots
LOCATION: 310 S River Street
TAX LOT: R3220BC 01200
APPLICANT: Jonathan Roth - RLR, LLC
OWNER: Jonathan Roth - RLR, LLC
ZONE: R-2 – Medium Density Residential
PLAN DISTRICT: MDR – Medium Density Residential
OVERLAYS: Airport Overlay – Airport Inner Horizontal Surface

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- Attachment 1: Tentative Partition Plat
Attachment 2: Application
Attachment 3: Public Comment

Section I: Application Information

A. DESCRIPTION OF APPLICATION:

The applicant is requesting preliminary plat approval for a 2 lot partition of an existing $\pm 7,518$ square foot lot. Parcel 1 and Parcel 2, fronting along S River Street, are both proposed to be $\pm 3,759$ square feet in area. The subject site is located within the Old Town of Newberg subdivision, zoned R-2 (Medium Density Residential) and mostly surrounded by single-family homes with the exception of Zion Lutheran Church to the east. The existing lot contains a single-family home planned to be demolished. The partition application does not include construction plans for the newly created parcels; however, the Applicant anticipates future construction of a zero lot line, attached townhome on the newly created parcels.

B. SITE INFORMATION:

1. Location: 310 S River Street



2. Size: $\pm 7,518$ square feet
3. Topography: Flat
4. Current Land Uses: The subject site is located within the Old Town of Newberg subdivision and is zoned R-2. The site contains an existing single-family home.
5. Natural Features: None
6. Adjacent Land Uses:
 - a. North: Single-family homes
 - b. East: ally and Single-family homes

- c. South: Single-family homes
 - d. West: S River Street and Zion Lutheran Church
7. Zoning:
- a. North: R-2 (Medium Density Residential)
 - b. East: R-2 (Medium Density Residential)
 - c. South: R-2 (Medium Density Residential)
 - d. West: R-2 (Medium Density Residential)
8. Access and Transportation: Access to the partitioned lots will be provided from the existing alley east of S River Street and the subject property. S River Street is classified as a major collector street.
9. Utilities:
- a. Water: There is an existing 6-inch water line documented in the City's Geographic Information System (GIS) on S River Street.
 - b. Wastewater: There is an existing 6-inch water line documented in the City's GIS on S River Street.
 - c. Stormwater: There are no stormwater facilities adjacent to the subject property.
 - d. Overhead Lines: There are no overhead utilities along the S River Street frontage. Any new or modified service connections to the property will need to be undergrounded. See NMC 15.430.010 for exception provisions.

C. PROCESS:

The partition request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14-day public comment period, the Community Development Director makes a decision on the application based on the criteria listed in the attached findings. The Director's decision is final unless appealed. Important dates related to this application are as follows:

6/22/2020: The Community Development Director deemed the application complete.

6/29/2020: The Applicant mailed notice to the property owners within 500 feet of the site.

6/29/2020: The Applicant posted notice on the site.

7/13/2020: The 14-day public comment period ended.

8/10/2020: The Director issued a decision on the application.

D. AGENCY COMMENTS:

The application was routed to several public agencies for review and comment. Comments and recommendations from City departments have been incorporated into the findings and conditions. As of the writing of this report, the City received the following agency comment:

Zipty Fiber: Reviewed; no conflict

E. PUBLIC COMMENTS:

As of the writing of this report, the City has received one written comment on the application, which is summarized below. The public comment in it's entirety is included in Attachment 3.

1. Kate Hiester, the owner of 300 S River Street, submitted a comment in opposition. Ms. Heister's comment expresses concern with additional vehicle use of the rear alley and "erosion and damage to our fence and garage," the character of the neighborhood, and construction impacts.

Staff Response: The existing tax lot at 310 S River Street is zoned R-2 which allows for a minimum lot size of 3,000 square feet. The existing lot of record is therefore allowed to be partitioned and meets the requirements of the development code (Proposed Parcel 1 and Parcel 2 – 3,759 square feet each). Although not included as part of this approval, the Applicant intends to construct a two-unit attached townhome on the partitioned lots. This is a special use in the R-2 zone and applicable standards can be met as discussed in the findings of this staff report (Section 15.415.050). The applicant will be required to submit building permits for review by the City to ensure compliance with applicable standards.

The applicant will be required to provide four off-street parking spaces or two off-street parking spaces for each of the dwellings. The partition only creates one additional lot. The additional traffic associated with this partition is negligible as it results in one additional housing unit within an urbanized area.

The existing 12-foot alley is unpaved, however, there is no requirement that the alley is to be paved. Public improvement standards are required for adjacent *streets*, which explicitly excludes alleys by definition. Required public improvement standards to S River Street are discussed throughout this decision. Further, there is no paved portion of the existing alley, therefore, staff is unable to require asphalt alley paving for any remainder portion.

The subject property is not located within a Historic District and does not contain an existing historic structure; therefore, there are no standards which preclude the lot partition.

The City of Newberg has Design and Construction Standards and requirements which are enforced during the building and construction process. If there are apparent violations, City residents can contact the City of Newberg Public Works Department if they suspect standards are being violated during the construction of public improvements being made by the applicant.

F. ANALYSIS:

The property is zoned R-2, where the minimum lot size is 3,000 square feet. The proposed partition would create two lots that meet the minimum lot size requirement and other standards for lot dimensions and coverage. Both Parcel 1 and Parcel 2 are proposed to be ±3,759 square feet, including required Public Utility Easements (PUEs).

Section II: Findings

Newberg Development Code

Division 15.200 Land Use Applications

15.235.050 Preliminary Plat Approval Criteria

A. **Approval Criteria.** By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. **The land division application shall conform to the requirements of this chapter;**

Finding: The partition application included all of the required submittal elements and followed the Type II process and public notice requirements for a partition.

2. **All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;**

Finding: The applicable provisions of NMC Division 15.400 are discussed in detail below in the report. The planned parcel sizes, dimensions, and uses conform to the requirements of NMC 15.400.

3. **Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;**

Finding: Access to the existing lot is taken from a 12-foot-wide rear alley accessed via Third and Fourth Street. Access for Parcel 1 and Parcel 2 will continue to be taken from the rear alley. S River Street is classified as a major collector street. There is an existing 6-inch water line documented in the City's GIS on S River Street. There is an existing 8-inch wastewater line that runs along S River Street. There are no existing stormwater facilities adjacent to the subject property. There are no overhead utilities adjacent to the property. Any new utility connections are required to be undergrounded. Streets and utilities are addressed in more detail under applicable standards of Section 15.505.

4. **The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

Finding: The application does not include a subdivision. Partitions are named by year and file number; therefore, the criterion does not apply.

5. **The proposed streets, utilities, and stormwater facilities conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;**

Finding: The applicable standards of Section 15.505 are discussed in detail throughout this report. This criterion will be met with the adherence to the conditions of approval in Section III.

6. **All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;**

Finding: The partition application does not include any proposed private common areas or improvements. Therefore, the criterion does not apply.

7. **Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and**

Finding: Based on the Applicant's submittal, the application does not appear to require state or federal permits. The criterion does not apply.

8. **Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.**

Finding: Required public improvements can be provided prior to final plat subject to the Conditions of Approval in Section III of this report.

Division 15.400 Development Standards

Chapter 15.405 Lot Requirements

15.405.010 Lot area—Lot areas per dwelling unit

- A. **In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:**
 2. **In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.**

- B. Lot or Development Site Area per Dwelling Unit.**
 - 2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.**
- C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.**
- D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.**

Finding: The subject property is zoned R-2. The Applicant has proposed partitioning a single existing lot into two new tax lots or parcels. The Applicant's Preliminary Partition Plat indicates Parcel 1 and Parcel 2 will each be ±3,759 square feet in area. Both lots are over 3,000 square feet and meet the minimum lot size requirement for the R-2 Zone. Streets were not included in the calculation, and lot size averaging is not applicable to the proposed partition. The Applicant's proposal conforms to the requirements of NDC 15.405.010 and these criteria are met.

15.405.030 Lot Dimensions and Frontage

- A. Width. Widths of lots shall conform to the standards of this code.**
- B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.**
- C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.**
- D. Frontage.**

1. **No lot or development site shall have less than the following lot frontage standards:**
 - a. **Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.**
 - c. **Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.**
2. **The above standards apply with the following exceptions:**
 - a. **Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.**
 - b. **Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.**
 - c. **Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.**

Finding: The existing lot, ±7,518 square feet, is a legally-created lot of record, platted as Lot 5, Block 17, of the Old Town of Newberg Plat. The lot depth to width ratio does not apply because the existing lot and the proposed parcels are less than 15,000 square feet.

The proposed parcels are over 3,000 square feet in area. Both parcels exceed the minimum 25-foot lot width and frontage requirement in the R-2 Zone. Parcel 1 and Parcel 2 are proposed at 39.99 feet along S River Street. Both lots front along an existing public street. No exceptions to the frontage or width standard are necessary. Proposed parcels meet minimum width, depth, and area requirements for the R-2 Zone. The proposal as submitted conforms to the requirements of NDC 15.405.030.

15.405.040 Lot Coverage and Parking Coverage Requirements

- B. **Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.**
 1. **Maximum Lot Coverage.**
 - a. **R-2: 50 percent**

2. **Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**
3. **Combined Maximum Lot and Parking Coverage.**
 - a. **R-1, R-2, and RP: 60 percent.**

Finding: The R-2 Zone limits lot coverage (the percentage of a lot covered by structures) to 50 percent. Parking coverage on a site in the R-2 Zone is limited to 30 percent. The existing single-family home will be demolished to allow for the future partition of the subject lot. The Applicant anticipates construction of a two-unit attached townhome. However, this approval does not permit construction of any future residential buildings on the property. Future construction will be reviewed for compliance with all applicable lot and parking coverage requirements during the building permit review process.

15.410.020 Front Yard Setback.

A. Residential.

1. **AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.**
3. **The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.**

Finding: Future development on Parcel 1 and Parcel 2 requires a minimum front yard setback of 15 feet and a minimum garage setback of 20 feet. The partition proposed under this application does not permit construction for dwelling units. Any proposals for development will be reviewed for setback compliance during the building permit review process.

15.410.030 Interior Yard Setback.

A. Residential.

1. **All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.**

Finding: Future development on Parcel 1 and Parcel 2 requires a minimum interior yard setback of 5 feet along interior lot lines. The partition proposed under this application does not approve the construction of buildings on Parcel 1 or Parcel 2. Any future proposals for development will be reviewed for setback compliance during the building permit review process.

Chapter 15.430 Underground Utility Installation

15.430.010 Underground utility installation.

- A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.
- B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.
- C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:
 - 1. The cost of undergrounding the utility is extraordinarily expensive.
 - 2. There are physical factors that make undergrounding extraordinarily difficult.
 - 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

Finding: The Applicant's preliminary plans and narrative did not address all existing utility facilities. Because the Applicant has not provided clarity about service connections to Parcel 1 and Parcel 2, the Applicant will be required to underground any new service connections, and if any poles, appurtenances, or lines associated with the utilities along the property for Parcel 1 and Parcel 2 are relocated, they will be required to be placed underground.

These criteria will be met if the aforementioned see Conditions of Approval is adhered to.

Division 15.500 Public Improvements Standards

Chapter 15.505 Public Improvement Standards

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

- A. Public Works Design and Construction Standards.** The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.
- B. Street Improvements.** All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

Finding: The Applicant's preliminary plans shows the existing lot of record has an existing 4-foot sidewalk along the S River Street frontage. These criteria will be met if all improvements necessary to serve the development meet City standards and are completed; see conditions in Section 15.505.030.

- C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.**

Finding: Preliminary plans show maintaining the existing water service lateral to the proposed southern lot and installing a new water service to serve the proposed northern lot. This criterion will be met if all improvements necessary to service the development meet City standards and are completed; see conditions in Section 15.505.040(D).

- D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.**

Finding: Preliminary plans show maintaining the existing wastewater service lateral to the proposed southern lot and installing a new wastewater service to serve the proposed northern lot. This criterion will be met if all wastewater improvements necessary to service the development meet City standards and are completed; see conditions in Section 15.505.040(E).

- E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.**

Finding: The Applicant has provided a narrative indicating that they will be collecting new stormwater from each proposed lot and conveying the stormwater to underground stormwater facilities, before the water is then infiltrated back into the ground. This criterion will be met if all stormwater improvements necessary to service the

development meet City standards and are completed; see conditions in Section 15.505.050.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

Finding: The Applicant’s preliminary plans do not show a 10-foot public utility easement along the S River Street property frontage. This criterion will be met if all easements necessary to service the development meet City standards and are completed; see conditions in Section 15.505.040(F).

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

Finding: Conformance with this section of the NMC is incorporated into the Conditions of Approval in Section III.

15.505.030 Street standards.

- A. Purpose. The purpose of this section is to:**
 - 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.**
 - 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.**
 - 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.**
- B. Applicability. The provisions of this section apply to:**

1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.
 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.
 5. Developments outside the city that tie into or take access from city streets.
- C. Layout of Streets, Alleys, Bikeways, and Walkways.** Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.
- D. Construction of New Streets.** Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:
1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

Finding: The Applicant is not proposing construction of new streets. These criteria do not apply.

E. Improvements to Existing Streets.

1. **All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.**

Finding: S River Street is a major collector roadway in the City's Transportation System Plan. Per the Transportation System Plan and Public Works Design and Construction Standards, major collector streets require a minimum of 60 feet of right-of-way and are comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 6-foot bike lane
- 12-foot travel lane
- 12-foot travel lane
- 6-foot bike lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

The Applicant's plans do not clearly show the available right-of-way. Because it is unclear if 30 feet of right-of-way exist from the roadway centerline to the exiting property line, the Applicant will be required to provide verification to the City that there is 30 feet of right-of-way from the existing roadway centerline to the existing property line, or the Applicant will be required to dedicate additional right-of-way to provide for 30 feet of right-of-way along the subject property frontage.

The requirements will be met if the aforementioned condition of approval is adhered to.

2. **All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.**

Finding: Frontage improvements are existing along S River Street and do not match the City's cross section for a major collector street per the Transportation System Plan. Major collector streets require a minimum of 50 feet of right-of-way and are comprised of the following:

- 1-foot from back of walk to right-of-way
- 5-foot sidewalk
- 5.5-foot planter
- 0.5-foot curb
- 6-foot bike lane
- 12-foot travel lane
- 12-foot travel lane
- 6-foot bike lane
- 0.5-foot curb
- 5.5-foot planter
- 5-foot sidewalk
- 1-foot from back of walk to right-of-way

Because the curb and planter strip are already existing, the Applicant will not be required to update those cross-sectional elements to meet the City's Transportation System Plan. The sidewalk width along S River Street is substandard, as shown on the plans, at 4 feet wide. Because the Applicant has not shown replacement of the sidewalk panels to meet the City's standard, the Applicant will be required to replace any sidewalk panels not meeting Americans with Disability Act (ADA) requirements along S River Street. If less than 50 percent of the sidewalk panels along the S River Street frontage need to be upgraded to meet ADA standards, then the sidewalk panels can be replaced to the existing width of 4 feet; however, if more than 50 percent of the sidewalk panels need to be replaced, the Applicant will be required to install a new 5-foot sidewalk along the entire property frontage meeting the City's dimensional standards for a local residential street Type "A" sidewalk and planter strip. The Applicant will also be required to install pavement markings for a 6-foot bike lane and a single bike lane stencil along the property frontage on S River Street.

The requirements will be met if the aforementioned condition of approval is adhered to.

3. **In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary**

design of the constructed street provided by the applicant's engineer and shall be approved by the director.

Finding: The Applicant's property is not located on a street scheduled for near-term future reconstruction, and, therefore, a fee in lieu of improvements is not applicable. This criterion does not apply.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

Finding: There are no improvements relating to impacts identified as part of this proposed action. This criterion does not apply.

G. Street Width and Design Standards.

1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

Table 15.505.030(G) Street Design Standards

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Local Streets						
Local residential	54 – 60 feet	32 feet	2 lanes	None	No	Yes
Limited residential, parking both sides	44 – 50 feet	28 feet	2 lanes	None	No	Yes
Limited residential, parking one side	40 – 46 feet	26 feet	2 lanes	None	No	One side
Local commercial/Industrial	55 – 65 feet	34 feet	2 lanes	None*	No*	Yes*

*** May be modified with approval of the director. Modification will change overall curb-to-curb and right-of-way width. Where a center turn lane is not required, a landscaped median shall be provided instead, with turning pockets as necessary to preserve roadway functions.**

**** All standards shall be per ODOT expressway standards.**

2. Motor Vehicle Travel Lanes. Collector and arterial streets shall have a minimum width of 12 feet.

Finding: S River Street is classified a major collector street in the City’s Transportation System Plan. The existing curb-to-curb cross section adjacent to the subject property is ±40 feet which will allow for 12-foot travel lanes and 6-foot bike lines. This requirement is met.

3. Bike Lanes. Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.

Finding: S River Street is classified a major collector street in the City’s Transportation System Plan and the cross section includes bike lanes. The existing curb-to-curb cross section adjacent to the subject property is ±40 feet, which will allow for 12-foot travel lanes and

6-foot bike lines. Because the Applicant did not show installation of a 6-foot bike lane along the property frontage, the Applicant will be required to install an 8-inch-wide longitudinal bike lane line for a 6 foot wide bike lane along the property frontage, and to install a bike lane stencil in the bike lane at the southern end of the property frontage for northbound travel.

This criterion will be met if the aforementioned condition of approval is adhered to.

4. **Parking Lanes. Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.**

Finding: S River Street is classified a major collector street in the City's Transportation System Plan, and the cross section does not include on-street parking; therefore, this criterion does not apply.

5. **Center Turn Lanes. Where a center turn lane is provided, it shall be a minimum of 12 feet wide.**

Finding: S River Street is classified a major collector street in the City's Transportation System Plan, and the cross section does not include a center turn lane; therefore, this criterion does not apply.

6. **Limited Residential Streets. Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:**
 - a. **The requirements of the fire chief shall be followed.**
 - b. **The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.**
 - c. **Use for through streets or looped streets is preferred over cul-de-sac streets.**
 - d. **Use for short blocks (under 400 feet) is preferred over longer blocks.**
 - e. **The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.**
 - f. **On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.**

Finding: The Applicant is not proposing a limited residential street; therefore, these requirements do not apply.

7. Sidewalks. Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.

Finding: The Applicant's submitted plans show an existing 4-foot-wide Type "A" sidewalk along the entire property frontage. It is unclear how much of the existing 4-foot-wide Type "A" sidewalk meets current ADA standards. The condition of approval for requiring sidewalk replacement can be found in 15.505.030(E)(2).

8. Planter Strips. Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:

- a. Additional reinforcement is done to the sidewalk section at corners.
- b. Sidewalk width is six feet.

Finding: The Applicant's plans show an existing planter strip that is ±9 feet wide. This criterion is met.

9. Slope Easements. Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.

Finding: The Applicant is not proposing a slope easement. This criterion does not apply.

10. Intersections and Street Design. The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.

Finding: The Applicant is not proposing modifications to the curb-to-curb width along S River Street. This criterion does not apply.

11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.

Finding: This application does not include a conditional use permit. This criterion does not apply.

- H. Modification of Street Right-of-Way and Improvement Width.** The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:
1. The modification is necessary to provide design flexibility in instances where:
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

Finding: The Applicant is not proposing modifications to the street right-of-way or improvement width. The requirements do not apply.

- I. Temporary Turnarounds.** Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

Finding: The Applicant is not proposing a temporary turnaround. This criterion does not apply.

- J. Topography.** The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

Finding: The Applicant has given suitable recognition to surrounding topographical conditions. This requirement is met.

- K. Future Extension of Streets.** All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be “to and through”: through the development and to the edges of the project site to serve adjacent properties for future development.

Finding: There are no possible future street extensions as part of this project. The criterion does not apply.

L. Cul-de-Sacs.

1. **Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.**
 - a. **Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.**
 - b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.**
 - c. **Where streets or accessways would violate provisions of leases, easements, or similar restrictions.**
 - d. **Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.**
2. **Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).**
3. **Cul-de-sacs shall not serve more than 18 single-family dwellings.**

Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the

street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

Finding: The Applicant is not proposing a cul-de-sac. The criteria do not apply.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

Finding: The Applicant is not impacting street names or street signs. The requirements do not apply.

N. Platting Standards for Alleys.

1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.
2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.
3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.
4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.
5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys” respectively.

Finding: The Applicant is not proposing modification to the existing alley. These criteria do not apply.

O. Platting Standards for Blocks.

1. **Purpose.** Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather

than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.

2. **Maximum Block Length and Perimeter.** The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zone(s)	<u>Maximum Block Length</u>	<u>Maximum Block Perimeter</u>
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. **Exceptions.**

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.
- d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the

block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

Finding: The Applicant is not proposing new blocks, and the partition application does not include the creation of new streets. These criteria do not apply.

P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

Finding: The Applicant is not proposing private streets. This requirement does not apply.

Q. Traffic Calming.

- 1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:**
 - a. Serpentine alignment.**
 - b. Curb extensions.**
 - c. Traffic diverters/circles.**
 - d. Raised medians and landscaping.**
 - e. Other methods shown effective through engineering studies.**
- 2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.**

Finding: The Application does not include traffic calming infrastructure. These requirements do not apply.

R. Vehicular Access Standards.

- 1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be**

unable to accommodate the needs of development and serve their transportation function.

2. **Access Spacing Standards.** Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet)²	Driveway Setback from Intersecting Street³
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor arterial	Urban CBD	500 200	150 100
Major collector	All	400	150
Minor collector	All	300	100

¹ “Urban” refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

“CBD” refers to intersections within the central business district (C-3 zone).

“All” refers to all intersections within the Newberg urban growth boundary.

² Measured centerline to centerline.

³ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

3. **Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

Finding: Once partitioned, both Parcel 1 and Parcel 2 will only take access from the existing rear alley. This criterion does not apply.

4. **Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.**

Finding: The Applicant is not proposing more than one driveway per lot. This criterion does not apply.

5. **Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:**
 - a. **The review body finds that creating a public street frontage is not feasible.**
 - b. **The alley access is for no more than six dwellings and no more than six lots.**
 - c. **The alley has through access to streets on both ends.**
 - d. **One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.**

Finding: The subject property fronts along S River Street, a major collector. An existing 12-foot alley abuts the rear of the subject property and is proposed to provide access to Parcel 1 and Parcel 2. Therefore, these criteria applicable to the creation of an alley do not apply.

6. **Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.**

Finding: The Applicant is not proposing closure of existing access. This criterion does not apply.

7. **Shared Driveways.**
 - a. **The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots**

where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

- b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
- c. No more than four lots may access one shared driveway.
- d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.
- e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

Finding: The Applicant is not proposing a shared driveway. These requirements do not apply.

- 8. **Frontage Streets and Alleys.** The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

Finding: The Applicant’s project is adjacent to an existing alley. This criterion does not apply.

- 9. **ODOT or Yamhill County Right-of-Way.** Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

Finding: The partition is not located proximate to Oregon Department of Transportation (ODOT) or Yamhill County right-of-way. This criterion does not apply.

10. **Exceptions.** The director may allow exceptions to the access standards above in any of the following circumstances:
 - a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
 - b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
 - c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.
11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

Finding: The Applicant is not proposing any exceptions. These criteria do not apply.

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.
2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.
3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.
4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.

5. **Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.**
6. **The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.**
7. **Lighting may be required for public walkways in excess of 250 feet in length.**
8. **The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.**

Finding: The Applicant is not proposing public walkways. These criteria do not apply.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

Finding: The Applicant has not shown street trees along the S River Street frontage; therefore, it is unclear if the Applicant is meeting the requirements for street trees. Because the Applicant has not identified street trees on the plans, the Applicant will be required to install street trees that are compliant with 15.420.010(B)(4) prior to the final building inspection.

This criterion will be met if the aforementioned condition of approval is adhered to.

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

Finding: The Applicant's plans and narrative do not address the City's street lighting requirement. Because a lighting analysis has not been provided, the Applicant will be required to provide street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards.

Street lighting meeting City standards is required at the following locations:

- Street lighting will be required on the east side of S River Street along the property frontage

This criterion will be met if the aforementioned condition of approval is adhered to.

- V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:**
1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
 2. A transit passenger landing pad accessible to disabled persons.
 3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.
 4. Lighting at the transit facility.

Finding: The Applicant is not proposing transit improvements, and the site is not adjacent to existing or planned transit facilities. These criteria do not apply.

15.505.040 Public utility standards.

- A. Purpose.** The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.
- B. Applicability.** This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.
- C. General Standards.**
 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.
 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be

approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

- D. **Standards for Water Improvements.** All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.
1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
 2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.
 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.
 4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.

Finding: The Applicant's plans show an existing water line connection to the proposed southern lot and a new water line connection to the proposed northern lot. Because construction plans have not yet been submitted and it is unclear if fire flows have been verified for the new water service lateral connection, the Applicant will be required to verify that adequate fire flow exists, and is required to submit construction plans and obtain a Public Improvement Permit to install the water service lateral to the northern lot, pursuant to the requirements of the City's Public Works Design and Construction Standards.

These criteria will be met if the aforementioned Condition of Approval is adhered to.

- E. Standards for Wastewater Improvements.** All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.
1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.
 2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.
 3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
 4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
 5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
 6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.
 7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

Finding: The Applicant's plans show an existing waste water connection to the proposed southern lot and a new wastewater connection to the proposed northern lot. Per NMC

13.10.070(K), each parcel shall be served by individual laterals. Because the Applicant has not yet submitted construction plans, the Applicant will be required to submit construction plans that show installation of a wastewater lateral to the proposed northern lot pursuant to the requirements of the City's Public Works Design and Construction Standards.

These criteria will be met if the aforementioned condition of approval is adhered to.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

Finding: The Applicant has submitted a preliminary partition that shows required utility easements. Because the Applicant has not recorded all necessary utility easements, the Applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

1) 10-foot PUEs along all public street frontages.

This criterion will be met if the aforementioned condition of approval is adhered to.

15.505.050 Stormwater system standards.

A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

- C. General Requirement.** All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.
- D. Plan for Stormwater and Erosion Control.** No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:
1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.
 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.
 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

Finding: The Applicant has submitted a stormwater narrative that indicates that new impervious surface areas being created. The proposal for the new impervious surface area is that water is detained in underground detention chambers and then infiltrates back into the groundwater table. No treatment of the stormwater has been proposed. Because a final stormwater analysis has not been completed, the Applicant will be required to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards showing that new impervious surface is being treated and detained. Additional state permitting will also be required for the proposed underground injection control (UIC). It is required that the Applicant coordinate with the Engineering Division on a stormwater strategy prior to submitting for the building permit. The construction plans and final stormwater report will be required at the time the Applicant submits a building permit for proposed development.

These criteria will be met if the aforementioned condition of approval is adhered to.

- E. Development Standards.** Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

Finding: The Applicant has submitted a stormwater narrative that indicates that new impervious surface areas are being created. The proposal for the new impervious surface area is that water is detained in underground detention chambers and then infiltrates back into the groundwater table, i.e. underground injection control. No treatment of the stormwater has been proposed. Construction plans for this stormwater system have not yet been submitted. The Applicant will need to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and obtain a building permit to install any stormwater system improvements.

This criterion will be met if the aforementioned condition of approval is adhered to.

CONCLUSION:

The proposed partition application satisfies City standards and approval criteria and is approved subject to the attached Conditions of Approval in Section III.

Section III: Conditions of Approval

- A. The Applicant must complete the following prior to applying for final plat approval:**
1. Construction plans must be submitted for all infrastructure per the requirements below.
 2. Prior to recordation of the final partition plat, the existing home shall be demolished, which requires a demolition permit through the City of Newberg's Building Department.

General Requirements for Engineering Permit

The Public Works Design and Construction Standards require that the Applicant submit engineered construction plans for review and approval of all utilities and public street improvements. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval and record approved easements. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.

The plans must note the following:

15.505.030 Public Improvement Standards.

1. Overhead Power Lines

- a. The Applicant will be required to underground any new service connections, and if any poles or lines associated with the utilities along the property frontages for Parcel 1 and Parcel 2 are relocated, they will be required to be placed underground.

2. Sidewalk and Planter Strip

- a. The Applicant will be required to provide verification to the City that there is 30 feet of right-of-way from the existing roadway centerline to the existing property line, or the Applicant will be required to dedicate additional right-of-way to provide for 30 feet of right-of-way along the subject property frontage.
- b. The Applicant will be required to replace any sidewalk panels not meeting ADA requirements along S River Street. If less than 50 percent of the sidewalk panels along the S River Street frontage need to be upgraded to meet ADA standards, then the sidewalk panels can be replaced to the existing width of 4 feet; however, if more than 50 percent of the sidewalk panels need to be replaced, the Applicant will be required to install a new 5-foot sidewalk along the entire property frontage meeting the City's dimensional standards for a local residential street Type "A" sidewalk and planter strip. The Applicant will also be required to install pavement markings for a 6-foot bike lane and a single bike lane stencil along the property frontage on S River Street.
- c. The Applicant will be required to install an 8-inch-wide longitudinal bike lane line for a 6 foot wide bike lane along the property frontage, and to install a bike lane stencil in the bike lane at the southern end of the property frontage for northbound travel..
- d. The Applicant will be required to install street trees that are compliant with 15.420.010(B)(4) prior to final plat approvalthe final building inspection.I.

3. Street Lights

- a. The Applicant will be required to provide street lighting along the property frontage that is compliant with the City's Public Works Design and Construction Standards.

Street lighting meeting City standards is required at the following locations:

- i. Street lighting will be required on the east side of S River Street along the property frontage.

4. Utilities and Related Permits (easements, water, stormwater and wastewater)

- a. The Applicant will be required to verify that adequate fire flow exists, and is required to submit construction plans and obtain a Public Improvement Permit to install the water service lateral to the northern lot, pursuant to the requirements of the City's Public Works Design and Construction Standards.
- b. The Applicant will be required to submit construction plans that show installation of a sewer wastewater lateral to the proposed northern lot pursuant to the requirements of the City's Public Works Design and Construction Standards.
- c. The Applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
 - i. 10-foot PUEs along all public street frontages.
- d. The Applicant will be required to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards showing that new impervious surface is being treated and detained. Additional state permitting will also be required for the proposed underground injection control (UIC). It is required that the Applicant coordinate with the Engineering Division on a stormwater strategy prior to submitting for the building permit. The construction plans and final stormwater report will be required at the time the Applicant submits a building permit for proposed development.
- e. The Applicant will need to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and obtain a building permit to install any stormwater system improvements.

B. Final plat submission requirements and approval criteria:

In accordance with NDC 15.235.070, final plats require review and approval by the Director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

1. Submission Requirements:

The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.070. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

- a. **Type I application form (found either at City Hall or on the website – www.newbergoregon.gov in the Planning Forms section) with the appropriate fees.**
- b. **Two preliminary paper copies of the plat are acceptable for review at the time of final plat application.**
- c. **Write response to any conditions of approval assigned to the land division.**
- d. **A title report for the property, current within six months of the final plat application date.**
- e. **Copies of any required dedications, easements, or other documents.**
- f. **Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner’s association, including but not limited to a draft homeowner’s association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.**
- g. **Copies of any required maintenance agreements for common property.**
- h. **A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.**
- i. **Any other item required by the city to meet the conditions of approval assigned to the land division.**

2. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

C. Filing and recording:

In accordance with NMC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:

- 1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval.**
- 2. According to NDC 15.235.180, approval of a final plat must be acknowledged and signed by the following:**
 - a. Community Development Director**

- b. **The County Assessor**
 - c. **The County Surveyor**
 - d. **The City Recorder**
- 3. **Filing Plat with County.** Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.
- 4. **Proof of Recording.** Upon final recording with the county, return an electronic copy of the recorded plat to the Director to complete the plat process. The land division will not be considered final until the copy is returned to the Director. No permits will be issued for any development on the property after the plat is signed until the copy is returned.
- 5. **Prerequisites to Recording the Plat.**
 - a. **No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;**
 - b. **No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.**

D. Development Notes:

- 1. **Building:** A two-hour firewall is required between units.
- 2. **Addresses:** The Planning Division will assign addresses for the new partition. Planning Division staff will send out notice of the new addresses after receiving a recorded copy of the final partition plat.

Attachment 1: Tentative Partition Plat

Attachment 2: Application

Attachment 3: Public Comment